

# **EXHIBIT 4**

**Excerpts from Deposition of Robert Gabriel Sterling  
October 12, 2022**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Donna Curling, et al.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:17-cv-02989-AT

Brad Raffensberger, et  
al.,

Defendants.

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VIDEO 30(b)(6) DEPOSITION OF  
SECRETARY OF STATE  
THROUGH  
ROBERT GABRIEL STERLING

October 12, 2022  
9:26 a.m.

Suite 3250, One Atlantic Center  
1201 W. Peachtree Street  
Atlanta, Georgia

S. Julie Friedman, CCR-B-1476

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22 Ernestine Thomas-Clark  
23 Scott Bridwell, Videographer  
24  
25

1 see this?

2 No.

3 Are you aware of anything along these  
4 lines?

5 No.

6 Where do you go at that point on those  
7 fronts?

8 Q. Well, that's a great question, Mr.  
9 Sterling. Did --

10 A. Oh, one of -- one of --

11 Q. You were dealing --

12 A. -- the things --

13 Q. Well, let me answer your question.

14 A. Go ahead.

15 Q. You -- You were dealing with a county  
16 that you had already found was unreliable where you  
17 had an open investigation, a rogue county that  
18 included members of the Coffee County Election Board  
19 like Eric Chaney, right?

20 A. Yes.

21 Q. Okay. So the Secretary's Office conducted  
22 an investigation in May of 2021 relying, as I  
23 understand it, largely, if not entirely on feedback  
24 from a county where it already knew that members of  
25 the Coffee County Election Board that were still

1       there were not reliable people. That's how you  
2       reached the conclusion that this didn't happen was  
3       you -- you asked the County, and the County that you  
4       already said you couldn't trust.

5           A.       I didn't say --

6           Q.       And they said we didn't do it.

7           A.       Misty was the one we said we couldn't  
8       definitely trust at all, because she had been  
9       misleading already, obviously.

10                  The secondary part of this, too, if I  
11       remember correctly, it was discussed -- and this is  
12       one of those things where it's not within a report;  
13       this just kind of came up -- that Mr. Barnes was  
14       going to try to pull the security tapes.  
15       Unfortunately, this is where a left hand and a right  
16       hand didn't seem to know which -- what each other  
17       were doing.

18                  He went to ask for the tapes around that  
19       period of time. They were no longer in the security  
20       system on that side. Unbeknownst to him, as I  
21       understand it, Misty Hampton had done an ORR for  
22       those tapes, I guess, to try to prove her innocence  
23       on the question of the hourly timing of her -- I  
24       don't know. I can't -- as to why she did a ORR at  
25       that period of time. But they existed in another

1 system that Mr. Blanchard -- sorry -- that Mr.  
2 Barnes was unaware of, so we knew --

3 Steps had been taken, and we discussed  
4 that. We had no reason to believe Mr. Barnes was  
5 unreliable, 'cause he was new; and the county  
6 attorney, like we said, had seemed to want to be  
7 cooperative to get to that point as well.

8 So Misty, from the point of the  
9 Secretary's Office, seemed to be the problem child  
10 more than anything else; and she was sort of leading  
11 the -- We had no reason at that point to have any  
12 issues around potentially the board, 'cause she's  
13 going to be leaving the board when she did that  
14 videotape; and they were all, hmm, yes. We get it,  
15 but there was no reason to think that they were going  
16 to mislead on those fronts. Everybody --

17 Q. Didn't you -- Didn't you know that the  
18 video that was put up on YouTube was actually  
19 authorized by the board?

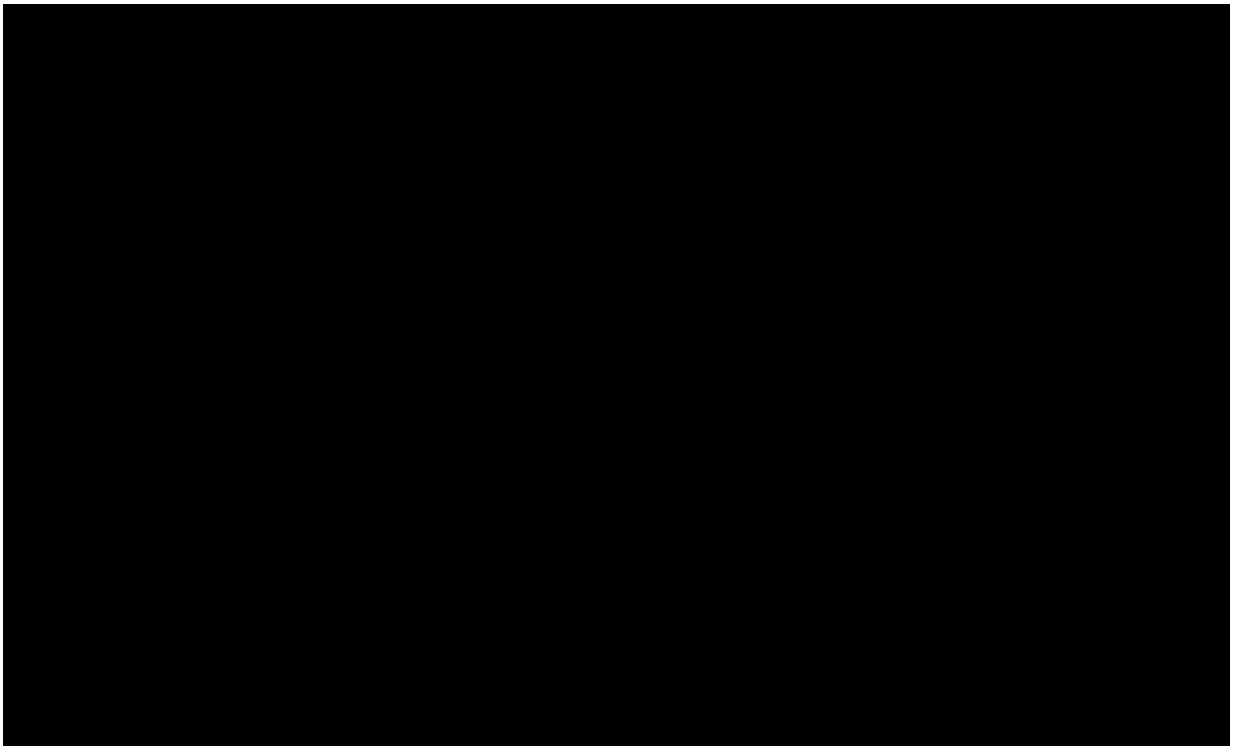
20 Eric Chaney is there in the video.

21 A. Yes. But my point is: In a normal  
22 situation, you don't assume that every single person  
23 is not going to tell the truth. I mean --

24 Q. Except it --

25 A. -- that'd be a conspiracy that's a little

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Q. Okay. The Secretary's Office is aware that every county in this -- that every county election office in the state has video surveillance, right?

Let me -- Let me ask a better question. You were aware that this county elections office has video surveillance, right?

A. Yes.

Q. Okay. Why didn't you ask for that? Wouldn't that be step one?

A. I believe I just explained to you that James Barnes went to their -- As I understand it was explained to us -- And this is verbal. There's no unfortunate -- There's no e-mail about this.



1           He went to them and said, well, we did --  
2       That's all been deleted by now.

3           He was unaware that Misty Hampton had done  
4       an ORR. Because like I said, the left hand and right  
5       hand didn't know what they were doing.

6           So even if we had gone to ask them, we  
7       would have gone through James Barnes, who would have  
8       gone to the County and perhaps gone to the county  
9       attorney; but that's a hypothetical at this point,  
10      because he said it doesn't exist.

11          Q.     Wait. But you guys are the -- are --  
12      are --

13           You're the Secretary's Office. You have  
14      law enforcement authority to conduct an investigation  
15      into election security breaches, right?

16          A.     Potential ones, yes.

17          Q.     Okay. Why in the world would you rely on  
18      James Barnes, who was brand new to the office,  
19      instead of sending your investigator yourself to find  
20      out whether that surveillance video existed?

21           Wouldn't that be the normal course of a --  
22      of a -- of a sound investigation?

23          A.     If the person who --

24           MR. TYSON: Object to form.

25           THE WITNESS: If the person who reported

1           it is dealing with their own internal people and  
2           says the stuff you need doesn't exist, no.  
3           Normally, you would not send somebody at that  
4           point. No. That doesn't make any sense.

5                     We're going to not take your -- not --  
6           You're new to this. You reported this. Now we  
7           think you're going to try to cover it up, and  
8           we're going to go deeper into it?

9           Q.     No, no. I'm not suggesting that. I --  
10          I'm -- I'm asking a very different question.

11                    James Barnes is brand new to the office at  
12          this point. He's been there about five to six weeks,  
13          right?

14          A.     Correct.

15          Q.     Okay. Instead of relying on someone brand  
16          new to the office, no background there whatsoever,  
17          why not send your investigator down to speak with the  
18          members of the election board with people like Tracie  
19          Vickers and others who -- who have at lot more  
20          history and a lot more background on what might have  
21          happened?

22          A.     Because the gentleman who reported it  
23          says, I've looked. I'm asking this. Nobody's seen  
24          anything. We have no evidence. We've asked for  
25          videotapes. They don't exist.

1           At that point what else are they going to  
2 do, if those are the point? So --

3           Q.     What we did --

4           A.     -- again, knowing --

5           Q.     -- ask for the video, which we did.

6           MR. TYSON: Let him answer the question,  
7 please.

8           THE WITNESS: Wait. David --

9           Q.     (By Mr. Cross) Well, you asked --

10          A.     We --

11          Q.     -- a question.

12          A.     We asked a question for the videos. They  
13 said it didn't exist, because it wasn't in that  
14 particular system. It wouldn't occur to most people  
15 to think if the security people in charge of this  
16 tell us it doesn't exist, it's going to exist  
17 somewhere else because a random person who's been  
18 fired or resigned, due to be fired, did an ORR. It  
19 was a lucky for us and for y'all and unfortunate  
20 thing for Misty now, because this is actually proof  
21 that she did things that were not -- that were  
22 untoward.

23                 You can look back with perfect vision,  
24 20/20, in the rear view mirror. I get that.

25                 But the situation we had is we had tons of

1 these kinds of claims everywhere; and, again, we were  
2 trying to get into -- Actually, it's a different  
3 time. I apologize.

4 This looked like another one of those many  
5 claims that there was nothing there, and somebody  
6 might have tried to do something, but there's no  
7 evidence that was coming to the surface that would  
8 rise to that point.

9 And we had the videotape, and we had them  
10 claiming they couldn't do certification. We sent the  
11 chief of investigations in there, 'cause there was  
12 actual stuff we could that was wrong.

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17 You don't then expend resources on things  
18 where it looks like this is a dead end. That's not  
19 what you do and --

20 Q. In a -- In a county that you already have  
21 identified through an open investigation was not a  
22 reliable county. A county that literally had held up  
23 the presidential election, because they refused to  
24 certify election results, you -- you -- you guys  
25 thought that that was a reliable county to just

1 simply say, well, they say it didn't happen; and they  
2 don't have video so that's the end of that?

3 A. It's not --

4 MR. TYSON: Object to form.

5 THE WITNESS: It's not they said it didn't  
6 that. We handed to our investigators. The  
7 investigators, who are the law enforcement  
8 people, make those decisions; and they basically  
9 said there's nothing there. We're moving on to  
10 the next thing.

11 I mean, it's not like, again, with  
12 hindsight being 20-20, yes. You should go in to  
13 go deeper on some of those things; but if we had  
14 to spend resources on every single one of these  
15 claims in a gajillion (ph.) ways in this  
16 state --

17 I mean, I'm going to give you an example  
18 just to put it in perspective for everything.  
19 There was a claim of pristine ballots in Fulton  
20 County. I think we're all aware of that claim.  
21 It was supposed to be in a particular batch. We  
22 had -- We sent two investigators down to that  
23 batch. They went through all of them. I think  
24 it was 20 man-hours, and they came back and said  
25 there's nothing there.

1 Q. Right. Mr. --

2 A. On May of 2021, he was just wrong; and I  
3 said this interview, basically, everything in it is  
4 conflated and -- and just incorrect, and that's why I  
5 was so frustrated with the interview itself.

6 Q. Okay. So, remember, you're testifying  
7 today not as you --

8 A. Uh-huh.

9 Q. -- but as Secretary's Office --

10 A. Right.

11 Q. -- right?

12 A. Okay.

13 A. I was answering your question about what  
14 Mike Hassinger and I knew specifically about that.

15 Q. I -- I get that now.

16 A. Okay.

17 Q. So what I'm saying is, it is a fact that  
18 the Secretary's Office, multiple individuals, from  
19 Chris Harvey, to Michael Barnes, to Frances Watson,  
20 to Pamela Jones, to Josh Blanchard, all of those  
21 individuals were aware that the Secretary's Office  
22 was investigating potential unauthorized access by  
23 Cyber Ninjas to the Georgia voting system in Coffee  
24 County in May of 2021. Yes?

25 MR. TYSON: Object to form.

1           THE WITNESS: Yes. In the specific way  
2           you put that.

3           Now by this point, they're two separate  
4           things. Because at this point, it was like we  
5           now understand that with given the videotapes  
6           and everything. I can't remember the date of  
7           that.

8           But we really kicked it up into -- Okay.  
9           Once we saw that something had happened and that  
10          was in July, that was like a new -- Not new  
11          investigation; but, again a new phase of the  
12          investigation. That's what I was referring to  
13          as now we've -- we've real -- We've handed to  
14          GBI. We do those items, and that's kind of the  
15          difference between those things.

16          I mean, there is a -- obviously, a  
17          timeline, and we'll probably get into some of  
18          those things.

19          But that interview was just simply wrong.  
20          He was incorrect --

21          Q.       (By Mr. Cross) Okay.

22          A.       -- when he made those statements, and he  
23          didn't have a chance to get briefed up, because he  
24          was also surprised, because he wasn't supposed to  
25          be -- It was supposed to be a action feel good kind

1 of thing.

2 Q. Okay. So come back to Exhibit 7, the  
3 Frances Watson --

4 A. Yes, sir.

5 Q. -- e-mail thread. We do not have from the  
6 State that we've seen any further communications,  
7 e-mails, documents of any type regarding this  
8 investigation beyond Miss Watson's May 11th e-mail.

9 A. Correct.

10 Q. Okay. So do I understand correctly that  
11 the investigation into the Cyber Ninjas' potential  
12 access in Coffee County, that that ended or paused?

13 It -- It didn't go any -- any further  
14 than what's reflected in Exhibit 7, because the  
15 feedback from Mr. Barnes was we've not found any  
16 indication of an unauthorized access?

17 A. That, plus the -- He was going to go to  
18 the IT and see. Since we never heard back, there  
19 was, I think, an assumption made of, well, we didn't  
20 find anything there; and I know there was a  
21 conversation. Of course, my understanding of the  
22 conversation, which it will be --

23 We asked for videos, and the security team  
24 says they don't have them for this period of time;  
25 and, again, that was the right hand, left hand thing,



1 not knowing what they were doing.

2 Q. So when a representative of the  
3 Secretary's Office told 11 Alive, the local news  
4 station, that the Office did not know about or begin  
5 investigating Coffee County until -- until July of  
6 2022, that's -- that's not an accurate statement,  
7 right, 'cause the --

8 A. David --

9 Q. -- Office itself was investigating this in  
10 May of 2021.

11 A. Two separate investigations based on two  
12 different sets of information.

13 Q. I get that -- I get it.

14 A. So you're choosing to put them together.  
15 We're viewing it as two separate entities. This is  
16 a -- It's a different way of looking at it, I  
17 suppose.

18 You're right. Our office did look at it.  
19 There was nothing to pursue that they could see at  
20 that time from the evidence they had as a  
21 professional, POST-certified law enforcement  
22 investigators.

23 Now we have extra information that came,  
24 because we had Mr. Persinger able to get into the  
25 system. We see, yes, there actually was an outside

1 so it would have been the same. Within a week or  
2 two, I think, of that's when we -- when it was all  
3 produced.

4 Q. Right. Ryan --

5 A. He was the one, though, who -- who said  
6 yes. Let's open something on this.

7 Q. Yeah. Mr. Germany called for an  
8 investigation into this in March of that year, right?

9 A. Correct. And it -- Like I said, I don't  
10 know if it predated us getting the full -- full audio  
11 or postdated it, but it was -- They were all  
12 within --

13 Q. Sure.

14 A. -- you know, a week or two of each other,  
15 I believe.

16 Q. Okay. So now we're in a timeframe where  
17 you've got the investigation -- we can say with a  
18 little "i," if you want -- from May of 2021 involving  
19 Cyber Ninjas.

20 A. Uh-huh.

21 Q. You've now got the call where Mr. Hall  
22 says they imaged everything.

23 A. Uh-huh.

24 Q. You've got the EMS server and the ICC in  
25 your possession. You've now got an investigation

1 opened into these allegations.

2 Why didn't the Secretary's Office at that  
3 point obtain the surveillance video that we, the  
4 Plaintiffs, later had to obtain months later? Why  
5 did it -- Why did we have to get that?

6 A. I think, step one, we had decided kind of  
7 internally was we wanted to get into the server first  
8 to see what time this all -- so we could go back and  
9 have binary questions we could ask the individuals.

10 Bob Guessum (ph.)?

11 MR. CROSS: Bruce, you mean?

12 THE WITNESS: Bruce. Sorry.

13 Q. (By Mr. Cross) Go ahead. Go.

14 A. I have a problem. When I hear people  
15 talking, I tend to try to listen; and it throws me  
16 off.

17 MR. BROWN: Okay.

18 THE WITNESS: My problem not yours.

19 So Ryan and the chief investigator said  
20 let's get into the server first before we start  
21 trying to go down, start interviewing people who  
22 we know. Like Misty testified. You're not  
23 going to get good stuff out of them, so let's  
24 get -- Let's get the actual evidence first and  
25 see if something happened, so we start trying to

1 get into that first.

2 And, again, I don't know how widespread it  
3 was known, 'cause this all kind of runs together  
4 timelinewise. There have been discussions about  
5 them trying to get that videotape before, and it  
6 didn't exist, according to the people we had  
7 talked to, because it was in a different system  
8 that those people were not aware of, and the  
9 people we would have talked to --

10 Now if it'd gone to the county attorney  
11 maybe; but, again, hindsight being 20-20.

12 So we wanted to see, try to get in the  
13 system. We had a hard time getting in the  
14 system, and, you know, we have -- We're doing  
15 many other things. So we --

16 Again, a representative from Dominion came  
17 down to try to get in. They couldn't get in, so  
18 they sent somebody else, I believe, in the  
19 middle of April. They couldn't get in, so we're  
20 trying to get through, through May.

21 And like I said, May, June, finally, okay.  
22 This isn't working. We've got to try find a way  
23 to get into this thing, so we can yes or no know  
24 what happened on that front.

25 And, again, our gut reaction is it

1 Administrative Services and the slow pay on some  
2 of things for Mr. Persinger, so we were a bit  
3 concerned. Will he be able to do it or not.  
4 Not that they were intentionally doing it. It's  
5 just state government. They pay slow sometimes.

6 So they were discussing about doing that,  
7 and I think -- I don't know. I wasn't involved  
8 in any direct discussions, 'cause he was with  
9 the -- with the attorneys. I know that --

10 Like I said, I think the -- the week of  
11 July 4th, before July 4th was when he took  
12 possession of it; and by the following week, he  
13 had -- That's when we discovered that that had  
14 happened.

15 So the videotape, obviously, since I think  
16 it was already been told to us it wasn't there,  
17 we're not going to go chase something --  
18 double-check on it, I guess would be, for lack  
19 of a better word for that.

20 And we also had some turnover, and so  
21 maybe Sara Koth might not have been aware of  
22 that on the front end. I -- I couldn't say for  
23 certain. This didn't occur on that point.

24 And I think the only reason that  
25 particular video camera was there was for the

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 434 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 17th day of October, 2022.

S. JULIE FRIEDMAN, CCR-B-1476